

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

246M0108

HOUSE ENGROSSED NO. **HB 1006** - 01/25/2006

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
State Brand Board

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to out-of-state cattle
2 brands and to establish a penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 40-19 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may bring cattle branded with a brand registered in another state into the
7 ownership inspection area for grazing or feeding purposes without a permit authorized by the
8 board. No permit may be issued if the brand is a duplicate of or conflicts with a brand issued
9 pursuant to this chapter. No permit is required if the cattle are rebranded with a brand registered
10 pursuant to this chapter. The application for a permit shall be on a form approved by the board
11 and shall be signed by the owner of the cattle. Any calves born to cattle which are subject to the
12 permit may be branded with the out-of-state brand upon prior written notice to the board. The
13 calves shall be added to the permit. No cattle or calves subject to the permit may be removed
14 from the ownership inspection area, sold, or slaughtered without an ownership inspection.

15 No person may brand any cattle imported into or purchased within the ownership inspection



1 area for feeding purposes with a brand registered in another state without a permit authorized
2 by the board. No permit may be issued if the brand is a duplicate of or conflicts with a brand
3 issued pursuant to this chapter. The application for a permit shall be signed by the owner of the
4 cattle. No cattle subject to the permit may be removed from the ownership inspection area, sold,
5 or slaughtered without an ownership inspection.

6 The board shall promulgate rules pursuant to chapter 1-26 for the issuing of permits and for
7 the suspension or revocation of permits for violations of this section or for violations of chapters
8 40-19, 40-20, and 40-21, inclusive. The permit is an annual permit, and the board may charge
9 a fee not to exceed the per-year brand renewal fee established pursuant to § 40-18-16.

10 A violation of this section is a Class 1 misdemeanor.

11 Section 2. That § 40-19-10 be repealed.

12 ~~— 40-19-10. Any person before bringing into this state and turning loose for grazing purposes~~
13 ~~any livestock already branded, shall present to the board a statement of the brand on such~~
14 ~~livestock, and if in the judgment of the board, such brand is a duplicate of or in conflict with any~~
15 ~~previously registered brand, the board shall so notify the person bringing the livestock into this~~
16 ~~state. The board may require the owner of the livestock to rebrand the livestock with a~~
17 ~~nonconflicting brand prior to turning the livestock loose. A violation of this section is a Class~~
18 ~~1 misdemeanor.~~